



020504

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
11613.29USD1	435	0060000	MINH-TAM DAVIS	1642

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 372668336 US

Date of Deposit: February 5, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Name: Sheryl A. Boerboom

15535 U.S. PTO
10/772988

020504

DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a divisional application under 37 CFR § 1.53(b) of Serial No. 09/637,746, filed on August 11, 2000, which is a continuation of international application No. PCT/US99/04142, filed on February 25, 1999 entitled cDNA ENCODING A GENE BOG (B5T OVER-EXPRESSED GENE) AND ITS PROTEIN PRODUCT by the following inventor(s):

Full Name Of Inventor	Family Name THORGEIRSSON	First Given Name SNORRI	Second Given Name X.
Residence & Citizenship	City BETHESDA	State or Foreign Country MARYLAND	Country of Citizenship USA
Post Office Address	Post Office Address 9305 KINGSLEY AVENUE	City BETHESDA	State & Zip Code/Country MARYLAND 20814/USA
Full Name Of Inventor	Family Name WOITACH	First Given Name JOSEPH	Second Given Name T.
Residence & Citizenship	City NORTH BETHESDA	State or Foreign Country MARYLAND	Country of Citizenship USA
Post Office Address	Post Office Address 11613 ASHLEY DRIVE	City NORTH BETHESDA	State & Zip Code/Country MARYLAND 20852/USA
Full Name Of Inventor	Family Name ZHANG	First Given Name MINGHUANG	Second Given Name
Residence & Citizenship	City GAITHERSBURG	State or Foreign Country MARYLAND	Country of Citizenship USA
Post Office Address	Post Office Address 117 BATES AVENUE	City GAITHERSBURG	State & Zip Code/Country MARYLAND 20877/USA

1. ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The divisional application is as follows: 61 pages of specification, 32 claims, 1 page of abstract, 20 sheets of drawings, and 2 pages of oath or declaration.

- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☒ Cancel original claims 8-22 and 24-32 without prejudice of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below:

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS: 20 -20	0	x	\$18.00	\$0.00
INDEPENDENT CLAIMS 3 -3	0	x	\$86.00	\$0.00
			BASIC FILING FEE:	\$770.00
			TOTAL FILING FEE:	\$770.00

☐ Small entity status is claimed pursuant to 37 CFR 1.27.

4. ☒ Payment of fees:
☒ Attached is a check in the amount of \$770.00
☐ Please charge Deposit Account No. 13-2725.
5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. ☒ Amend the specification by inserting before the first line of the first page the paragraph:

"This application is a divisional of application Serial No. 09/637,746, filed August 11, 2000, which is a continuation of international application No. PCT/US99/04142, filed on February 25, 1999, which applications are incorporated herein by reference."
7. ☒ A set of formal drawings (20 sheets) is enclosed.
8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to The Government of the United States of America, as presented by the Secretary, Department of Health and Human Services located at 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852.
10. ☒ The Power of Attorney in the prior application is to:

Merchant & Gould P.C.
Minneapolis, MN 55402-2215

11. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- ☒ Fee for excess claims is attached.
12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☒ Also Enclosed: Communication regarding Sequence Listing, Communication Pursuant to 37 CFR 1.821(e) and paper copy of Sequence Listing.
16. ☒ Address all future communications to the **Attention of Katherine M. Kowalchyk** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

23552
PATENT TRADEMARK OFFICE

Date:

February 5, 2004

Katherine M. Kowalchyk
Katherine M. Kowalchyk
Reg. No. 36,848
KKowalchyk:sab